

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

ROSS A. FIORANI,
Plaintiff,

v.

NAVY FEDERAL CREDIT UNION, et al.,
Defendants.

Civil Action No. 1:14cv1498

ORDER

By Order dated May 12, 2000, plaintiff Ross A. Fiorani — a frequent filer of frivolous lawsuits in this district — was “enjoined from filing future actions in federal district court without prior leave of court.” *See Fiorani v. Metcalf, et al.*, 1:00cv619 (E.D. Va. May 12, 2000) (Order and Memorandum Opinion) (Bryan, J.). In October 2014, in an apparent attempt to avoid such pre-filing review, plaintiff initiated this action by filing a complaint against defendants in the District of Maryland, together with a motion to proceed *in forma pauperis*. Shortly thereafter, the matter was transferred to the Eastern District of Virginia, with a ruling on plaintiff’s motion to proceed *in forma pauperis* deferred pending review by this Court. By Order dated November 25, 2014, the matter was referred to the assigned magistrate judge, pursuant to 28 U.S.C. § 636, for preparation of a prompt report and recommendation addressing (i) whether plaintiff’s *in forma pauperis* application should be granted or denied, and (ii) whether the matter should be dismissed, either in whole or in part, pursuant to 28 U.S.C. § 1915(e)(2).

On December 29, 2014, the assigned magistrate judge filed his Proposed Findings of Fact and Recommendations in accordance with the November 25, 2014 referral order. The magistrate judge recommends that plaintiff’s application to proceed *in forma pauperis* be denied, and that the matter be dismissed as frivolous pursuant to 28 U.S.C. § 1915(e)(2). The *pro se* plaintiff has

filed multiple documents in response to the magistrate judge's Report and Recommendation, entitled (i) "Plaintiff's Objections, Disputes and Counter-Claims Against the Court's Proposed Findings of Fact and Recommendations" (Doc. 9), (ii) "Plaintiff's Urgent Motion to Provide New Information Just Received, Concealed by this District on Major Class-Action Suits Filed in Baltimore Against Navy Federal's Crimes on Illegal Repossessions and Federal Crimes" (Doc. 10), and (iii) "Plaintiff's Request for Status on Withheld, Delays of Nationwide, Relevant Civil Suit on Civil Rights Deprivations" (Doc. 11).

As an initial matter, it should be noted that throughout his various submissions, plaintiff alleges that the undersigned judge, as well as several other federal judges in this and other districts, (i) have engaged in "judicial corruption" and "judicial misconduct," (ii) have harbored "extreme prejudices" against plaintiff, and (iii) have prevented plaintiff's civil suits from being fairly heard. These allegations lack any factual support whatsoever and must be rejected as meritless.¹ Nor is there any basis for recusal under 28 U.S.C. §§ 144 or 455.

Plaintiff next objects to the magistrate judge's recommendation that plaintiff's *in forma pauperis* application be denied. In this regard, the magistrate judge recommends denial of the application based on possible discrepancies between the financial information set forth in plaintiff's *in forma pauperis* application and other allegations contained in plaintiff's complaint. Yet, based solely on an examination of the financial affidavit, it appears that plaintiff likely qualifies for *in forma pauperis* status. Plaintiff's objections will thus be sustained insofar as they pertain to the magistrate judge's recommendation that plaintiff's *in forma pauperis* application be denied.

¹ It should also be noted that plaintiff has previously filed multiple judicial complaints against the undersigned judge with the Court of Appeals for the Fourth Circuit pursuant to 28 U.S.C. § 351, all of which have been dismissed as meritless. *See, e.g.*, Nos. 04-12-90026 through 04-12-90029 and 04-11-90011 through 04-11-90012, In the Matter of Judicial Complaints Under 28 U.S.C. § 351 (4th Cir.)

Yet, the remainder of plaintiff's prolix and largely indecipherable contentions concerning the merits of his claims are meritless and must be rejected. As the magistrate judge correctly observed in the Report and Recommendation, "[p]laintiff's complaint is a disjointed list of various federal and state civil and criminal statutes, the majority of which appear to have no relationship to the event at issue," and the complaint "is both legally and factually frivolous." Report and Recommendation at 8. The magistrate judge thus correctly concluded that plaintiff's complaint must be dismissed as frivolous pursuant to 28 U.S.C. § 1915(e)(2).²

Accordingly, for the foregoing reasons, and for good cause,


It is hereby **ORDERED** that with the exception of the *in forma pauperis* recommendation, the findings and conclusions set forth in the magistrate judge's Report and Recommendation are **ADOPTED** as the Court's findings and conclusions in this matter. Specifically, plaintiff's objections with respect to the magistrate judge's *in forma pauperis* recommendation are **SUSTAINED** and plaintiff's application to proceed *in forma pauperis* is **GRANTED** for purposes of this proceeding. The magistrate judge's Report and Recommendation is **ADOPTED** in all other respects and plaintiff's complaint is accordingly **DISMISSED** as frivolous pursuant to 28 U.S.C. § 1915(e)(2).

Should plaintiff wish to appeal this Order to the Court of Appeals for the Fourth Circuit, he must do so by filing a notice of appeal within thirty (30) days after entry of the Order, pursuant to Rules 3 and 4, Fed. R. App. P.

² It should be noted that had the magistrate judge's recommendation regarding plaintiff's *in forma pauperis* application been adopted, a § 1915(e)(2) dismissal would not have been appropriate, as such a dismissal is only appropriate for cases in which a plaintiff has been granted authorization to proceed *in forma pauperis*.

The Clerk is directed to send a copy of this Order to plaintiff and the magistrate judge and to place this matter among the ended causes.

Alexandria, VA
March 31, 2015



T. S. Ellis, III
United States District Judge